

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Thomas Earl Martin, III,)	
)	
Plaintiff,)	Civil Action No.: 4:09-cv-589-TLW-TER
v.)	
)	
Wyndham Vacation Resorts; Wyndham)	
Worldwide Corp.; Wyndham Hotels and)	
Resorts; and Wyndham Vacation)	
Ownership,)	
)	
Defendants.)	
_____)	

ORDER

The Plaintiff, Thomas Earl Martin, III, (“plaintiff”), brought this civil action, *pro se*, on March 6, 2009. (Doc. # 1).

This matter now comes before this Court for review of the Report and Recommendations (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the plaintiff’s motions for summary judgment, (Docs. # 64 and 90), be denied, the defendants’ motion for summary judgment be granted, (Doc. # 69), and that the case be dismissed in its entirety. (Doc. # 96). The plaintiff filed objections to the report. (Doc. # 98). The defendants filed a Reply to which the plaintiff filed a Reply. (Docs. # 101 and 102). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to

those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. # 96). Therefore, for the reasons articulated by the Magistrate Judge, the plaintiff's motions for summary judgment, (Docs. # 64 and 90), are **DENIED**, the defendants' motion for summary judgment is **GRANTED**, (Doc. # 69), and the case is dismissed in its entirety. All other motions are deemed **MOOT**. (Docs. # 70 and 88).

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

March 15, 2011
Florence, South Carolina